

Highly Confidential - Subject to Further Confidentiality Review

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

THE CITY OF HUNTINGTON,)	
)	
Plaintiff,)	
)	
vs.)	
)	Civil Action
AMERISOURCEBERGEN DRUG)	No. 3:17-01362
CORPORATION, et al.,)	
)	
Defendants.)	
<hr/>)	
)	
CABELL COUNTY COMMISSION,)	
)	
Plaintiff,)	
)	Civil Action
vs.)	No. 3:17-01665
)	
AMERISOURCEBERGEN DRUG)	
CORPORATION, et al.,)	
)	
Defendants.)	

WEDNESDAY, JULY 29, 2020

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

- - -

Remote videotaped deposition of
David G. Chaffin, Jr., M.D., held at the
location of the witness in Huntington, West
Virginia, commencing at 9:10 a.m., on the
above date, before Carrie A. Campbell,
Registered Diplomate Reporter and Certified
Realtime Reporter.

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

Highly Confidential - Subject to Further Confidentiality Review

Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 MCHUGH FULLER LAW GROUP</p> <p>4 BY: AMY J. WILDE</p> <p>5 amy@mchughfuller.com</p> <p>6 JOHN FULLER</p> <p>7 john@mchughfuller.com</p> <p>8 97 Elias Whiddon Road</p> <p>9 Hattiesburg, Mississippi 39402</p> <p>10 (601) 261-2220</p> <p>11</p> <p>12 and</p> <p>13</p> <p>14 MOTLEY RICE LLC</p> <p>15 BY: ANNIE E. KOUBA</p> <p>16 akouba@motleyrice.com</p> <p>17 MONIQUE A. CHRISTENSON</p> <p>18 mchristenson@motleyrice.com</p> <p>19 28 Bridgeside Boulevard</p> <p>20 Charleston, South Carolina 29464</p> <p>21 (843) 216-9000</p> <p>22 and</p> <p>23 CAREY, SCOTT, DOUGLAS & KESSLER,</p> <p>24 PLLC</p> <p>25 BY: DAVID R. POGUE</p> <p>drpogue@csdlawfirm.com</p> <p>901 Chase Tower</p> <p>707 Virginia Street, East (25301)</p> <p>Charleston, West Virginia 25323</p> <p>(304) 345-1234</p> <p>Counsel for Plaintiffs</p> <p>CAMPBELL WOODS</p> <p>BY: JOEL P. JONES, JR.</p> <p>joeljones@campbellwoods.com</p> <p>1002 Third Avenue</p> <p>Huntington, West Virginia 25719</p> <p>(304) 529-2391</p> <p>Counsel for the Witness</p>	<p>1 INDEX</p> <p>2 PAGE</p> <p>3 APPEARANCES..... 2</p> <p>4 EXAMINATIONS</p> <p>5 BY MS. WILDE..... 7</p> <p>6 BY MS. RUSSO..... 31</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 No. Description Page</p> <p>10 1 Corrected Joint and Third Amended 51</p> <p>11 Complaint</p> <p>12</p> <p>13 2 David Chaffin LinkedIn page printout 66</p> <p>14</p> <p>15 3 "History of postpartum depression as 67</p> <p>16 a contributor to the severity of</p> <p>17 NAS," Nellhaus, et al., Addictive</p> <p>18 Behaviors</p> <p>19 4 "Prevalence of Drug Use in Pregnant 76</p> <p>20 West Virginia Patients," Chaffin, et</p> <p>21 al.</p> <p>22 5 Application for Federal Assistance, 101</p> <p>23 SF 424 (R&R), The Effect of</p> <p>24 Peripartum Depression on Maternal</p> <p>25 Opioid Use Disorder and Neonatal</p> <p>Opioid Withdrawal Syndrome,</p> <p>ValleyHealthSystems_0000164 -</p> <p>ValleyHealthSystems_0000249</p> <p>6 Marshall MAT-LINK Project 105</p> <p>Application,</p> <p>MarshallHealth-00000693 -</p> <p>MarshallHealth-00000717</p> <p>7 Marshall Funded Grants and Research 107</p> <p>chart</p>
Page 3	Page 5
<p>1 REED SMITH LLP</p> <p>2 BY: SHANA E. RUSSO</p> <p>3 srusso@reedsmith.com</p> <p>4 506 Carnegie Center, Suite 300</p> <p>5 Princeton, New Jersey 08540</p> <p>6 (609) 987-0050</p> <p>7</p> <p>8 and</p> <p>9</p> <p>10 BY: CLIFF BREESE, III</p> <p>11 Three Logan Square</p> <p>12 1717 Arch Street, Suite 3100</p> <p>13 Philadelphia, Pennsylvania 19103</p> <p>14 (215) 851-8100</p> <p>15 Counsel for AmerisourceBergen</p> <p>16</p> <p>17 VIDEOGRAPHER:</p> <p>18 DEVYN MULHOLLAND,</p> <p>19 Golkow Litigation Services</p> <p>20</p> <p>21 ---</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 8 PCORI "Addressing the role of 108</p> <p>2 parenting in recovery for OUD in new</p> <p>3 mothers,"</p> <p>4 ValleyHealthSystems_0000352 -</p> <p>5 ValleyHealthSystems_0000454</p> <p>6 (Exhibits attached to the deposition.)</p> <p>7 CERTIFICATE.....112</p> <p>8 ACKNOWLEDGMENT OF DEPONENT.....114</p> <p>9 ERRATA.....115</p> <p>10 LAWYER'S NOTES.....116</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Highly Confidential - Subject to Further Confidentiality Review

Page 10	Page 12
<p>1 Charleston, in maternal/fetal medicine and 2 was there for four years. 3 And then in 1998, I started 4 here at Marshall University. 5 Q. And you have hospital 6 privileges? 7 A. I do. 8 Q. Where? 9 A. At Cabell Huntington Hospital. 10 Q. So since 1998, have you 11 practiced obstetrics and gynecology there in 12 Cabell Huntington? 13 A. Yes. 14 Q. Are you board certified? 15 A. I'm board certified in OB/GYN. 16 Board eligible still, I think, in 17 maternal/fetal medicine. 18 Q. So, Dr. Chaffin, let's talk, if 19 we can, about observations you've made since 20 that time in 1998 when you came to Cabell 21 Huntington, particularly as it applies to 22 opioids. And let me start off by just asking 23 a very general question. 24 Based upon your practice, your 25 knowledge, your expertise of maternity/fetal</p>	<p>1 been a marked increase in opiate 2 addiction since I joined the staff in 3 1998? And the answer is yes. 4 QUESTIONS BY MS. WILDE: 5 Q. And if you can, Dr. Chaffin, 6 tell me a little bit about that. 7 When and what have you 8 observed? 9 A. That's kind of broad. I'm not 10 sure what you're asking. 11 Q. Sure. 12 You said that you had noticed a 13 marked increase of opioid use and addiction. 14 When would you say that you 15 began to notice, if you can pinpoint -- and 16 if you can't, just give me a broad, general 17 time frame. When did you start to see this 18 or make these observations? 19 A. When I joined and probably the 20 first four years of my tenure at Marshall, I 21 would have between two and four patients in a 22 methadone program per year. 23 And then early 2000s, we 24 started to see an increase in the frequency, 25 and it has been a steady increase since that</p>
Page 11	Page 13
<p>1 medicine in the Cabell-Huntington area, do 2 you have an opinion within a reasonable 3 degree of medical probability whether or not 4 there exists a public health crisis in 5 Cabell-Huntington in relationship to opioid 6 use? 7 MS. RUSSO: Objection to form. 8 QUESTIONS BY MS. WILDE: 9 Q. You can answer. 10 MR. JONES: I'd like to briefly 11 interject with perhaps not so much of 12 an objection but an observation. 13 Dr. Chaffin is here as a fact 14 witness. He's not a retained expert. 15 To my knowledge, he's not been 16 compensated as an expert of any 17 testimony. 18 So I would direct him to answer 19 this question and the line of 20 questions to the extent that he has 21 personal knowledge of the facts. 22 MS. WILDE: Yes. And if I 23 didn't make that clear, that is what I 24 want, Dr. Chaffin. 25 THE WITNESS: Okay. Has there</p>	<p>1 time. 2 Q. Do you still, Doctor -- again, 3 based on your observations of the area, is 4 there still an increase? Has it plateaued? 5 It has it begun to decrease? Have you made 6 any observations regarding that? 7 A. I have to qualify when I 8 started a formal medication-assisted therapy 9 program in 2012, and probably for four years 10 after that there was still a steady increase. 11 I started the program because 12 there was nobody else taking care of pregnant 13 patients with opiate addiction. Now there 14 are multiple, many providers. 15 And so what I can tell you, my 16 observation is that in my practice, the 17 number of people I have in my practice, has 18 plateaued or slightly decreased. But I don't 19 know what that means about the area 20 incidence, because I no longer take care of 21 everybody that has an opiate addiction, which 22 I did at one time. 23 Q. In 2012, what was happening in 24 Cabell-Huntington such that you felt the 25 necessity to open medication --</p>

4 (Pages 10 to 13)

Highly Confidential - Subject to Further Confidentiality Review

Page 114		Page 116	
1	ACKNOWLEDGMENT OF DEPONENT	1	-----
2		2	LAWYER'S NOTES
3		3	-----
4	I, _____, do	4	PAGE LINE
5	hereby certify that I have read the foregoing	5	_____
6	pages and that the same is a correct	6	_____
7	transcription of the answers given by me to	7	_____
8	the questions therein propounded, except for	8	_____
9	the corrections or changes in form or	9	_____
10	substance, if any, noted in the attached	10	_____
11	Errata Sheet.	11	_____
12		12	_____
13	_____	13	_____
14	David G. Chaffin, Jr., M.D. Date	14	_____
15		15	_____
16	Subscribed and sworn to before me this	16	_____
17	_____ day of _____, 20 ____.	17	_____
18	My commission expires: _____	18	_____
19	Notary Public	19	_____
20		20	_____
21		21	_____
22		22	_____
23		23	_____
24		24	_____
25		25	_____

Page 115	
1	-----
2	ERRATA
3	-----
4	PAGE LINE CHANGE/REASON
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____
11	_____
12	_____
13	_____
14	_____
15	_____
16	_____
17	_____
18	_____
19	_____
20	_____
21	_____
22	_____
23	_____
24	_____
25	_____